

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

MOHAMMED NOFAL,

Plaintiff

v.

U.S. District Court No.: 2:18-cv-1865

State Ct. Case No. 18CV8947

CASABLANCA RESTAURANT, LLC,

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, Defendant, CASABLANCA RESTAURANT, LLC (“Casablanca”), by and through its undersigned counsel, hereby file this Notice of Removal for the purpose of removing the above-titled action from the Circuit Court of Milwaukee County, Wisconsin, to the United States District Court for the Eastern District of Wisconsin.

In support of this Notice of Removal, Defendant, Casablanca states as follows:

1. On October 29, 2018, Plaintiff filed this action in the Circuit Court for Milwaukee County, Wisconsin, styled “*Mohammed Nofal v. Casablanca Restaurant, LLC*” Case No. 18CV8947.
2. Defendant is an original defendant in the above-referenced action.
3. Defendant was served with the suit on or around November 11, 2018. Defendant submits this Notice of Removal within the 30-day time period required under 28 U.S.C. § 1446(b).
4. The Circuit Court for Milwaukee County is located in the Eastern District of Wisconsin,

and this Notice of Removal is, thus, properly filed in this Court pursuant to 28 U.S.C. § 1446(a).

5. A copy of the Complaint, and all other proceedings, that have occurred in the Circuit Court for Milwaukee County, Wisconsin, are attached hereto as Exhibit “A” as required by 28 U.S.C. § 1446(a).

Nature of the Action

6. The above-mentioned case is a civil action arising out of Plaintiff’s employment with Defendant.

7. Plaintiff is a former employee of the Defendant and has brought this employment action alleging wage claims for overtime pay against Defendant and alleges that Defendant violated the Federal Labor Standards Act (“FLSA”) and Wisconsin wage laws.

Federal Question Jurisdiction

8. In his Complaint, Plaintiff asserts wage claims for overtime pay under both federal law and Wisconsin state law.

9. Plaintiff’s complaint purports to allege that Defendant failed to pay Plaintiff “his overtime rate for ... hours worked over forty hours, and instead [Defendant] paid him his regular straight time for those hours.

10. Plaintiff alleges that “he is entitled to wage payments for the unpaid time ... and brings [his] claim pursuant to Chapter 109 of the Wisconsin Statutes and the Federal Fair Labor Standards Act.”

11. Further, Plaintiff alleges that Defendant “intentionally violated the law, and therefore, the three-year federal statute of limitations for intentional violations applies to his wage claim.”

12. This Court has original federal question jurisdiction over the action pursuant to 28 U.S.C. § 1331, which provides that the federal district courts shall have original jurisdiction without

regard to amount in controversy of all civil actions arising under the Constitution, laws, or treaties of the United States.

13. Plaintiff has brought his action, in part, under the FLSA, a federal act, thus, his claims arise under the laws of the United States. Plaintiff specifically relies on and explicitly mentions the FLSA in his Complaint and further invokes the FLSA in alleging that the “three-year federal statute of limitations for intentional violations applies to his wage claim.” Therefore, under 28 U.S.C. §§ 1331 and 1441(a)-(b), removal of his FLSA claim is proper.

14. The Plaintiff’s purported state law wage claims under Chapter 109 of the Wisconsin Statutes arise from and rely on the same core of operative facts.

15. Thus, this Court also has supplemental jurisdiction over Plaintiff’s state law employment claims. Under 28 U.S.C. § 1367(a), a federal court is given supplemental jurisdiction “over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.”

Compliance with Removal Procedures

16. A copy of this Notice of Removal is being contemporaneously filed with the Clerk of the Circuit Court for Milwaukee County, Wisconsin, and served on Plaintiff, as required by 28 U.S.C. § 1446(d). (See Exhibit “B”).

WHEREFORE, Defendant, CASABLANCA RESTAURANT, LLC, request that that the above-captioned case now pending in the Circuit Court for Milwaukee County, Wisconsin, be removed to this Court.

Respectfully Submitted this 27th day of November 2018.

OVB LAW & CONSULTING, S.C.
Attorneys for Defendant, Casablanca
Restaurant, LLC

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